

### **REMARKS/ARGUMENTS**

This Amendment is in response to the Office Action mailed August 19, 2008. Claims 1-5 and 7-23 were pending in the present application. This Amendment amends claims 1, 2, 4, 5, 7-15, 17-19, 22, and 23, and cancels claim 3 without prejudice, leaving pending in the application claims 1, 2, 4, 5, and 7-23. Applicant submits that no new matter has been introduced by virtue of these amendments. Reconsideration of the rejected claims is respectfully requested.

#### **35 U.S.C. §112 Rejection of Claim 14**

Claim 14 is rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, the Office Action asserts “Applicant employs the phrase *with electronic notification* in conjunction with *fixed duration scheduling*, but it is unclear what information and to whom the *electronic notification* pertains. It is thus vague and indefinite.” (Office Action: pg. 5).

Although Applicant does not agree with the rejection, solely in order to expedite prosecution Applicant has amended claim 14 to recite, in part “wherein the electronic schedule has a fixed duration, and wherein if the modification to one of the first or second activities causes the fixed duration to change, an electronic notification is sent to the program managers of the first and second programs.” This amendment clarifies that the electronic notification pertains to an activity modification that changes the fixed duration of a schedule, and that the electronic notification is sent to affected program managers. Accordingly, the Section 112 rejection of claim 14 is believed to be overcome.

#### **35 U.S.C. §101 Rejection of Claims 1-5 and 7-10**

Claims 1-5 and 7-10 are rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. Specifically, the Office Action asserts:

Based on Supreme Court precedent, and recent Federal Circuit decisions, the Office’s guidance to examiners is that a §101 process must (1) be tied to another statutory class

(such as a particular apparatus) or (2) transform underlying subject matter (such as an article or materials) to a different state or thing... Thus, to qualify as a §101 statutory process, the claim[s] should positively recite the other statutory class (the thing or product) to which it is tied, for example by identifying the apparatus that accomplishes the method steps, or positively recite the subject matter that is being transformed, for example by identifying the material that is being changed to a different state.

(Office Action: pg. 6).

Although Applicant does not agree with the rejection, solely in order to expedite prosecution Applicant has amended independent claim 1 to recite a method “performed by a computer system,” where each method step includes language indicating that the step is performed at/by the computer system. Independent claims 2 and 10 have been amended in a similar manner. Applicant submits that these amendments to claims 1, 2, and 10 clearly identify the apparatus that performs the method steps recited therein (*e.g.*, the computer system). Accordingly, the Section 101 rejection of claims 1, 2, and 10 (and the claims that depend therefrom) is believed to be overcome.

### **35 U.S.C. §103 Rejection of Claims 1-5, 10-14, 16, 19, 20, 22, and 23**

Claims 1-5, 10-14, 16, 19, 20, 22, and 23 (erroneously listed as 1-6, 10-14, 16, 19, 20, 22, and 23 in the Office Action) are rejected under 35 U.S.C. §103(a) as being unpatentable over Robson (U.S. Patent No. 7,330,822, hereinafter “Robson”) in view of Pollalis (U.S. Patent No. 5,016,170, hereinafter “Pollalis”). Without conceding the merits of the rejection, Applicant has amended the claims to clarify the distinctions between the present invention and the cited art.

Applicant’s independent claim 1, as amended, recites:

A-method performed by a computer system for managing a plurality of programs, said method comprising:

receiving, at the computer system, cross-program dependency information between a first program in the plurality of programs and a second program in the plurality of programs, wherein the first program comprises a first plurality of activities and the second program comprises a second plurality of activities, and wherein the cross-program dependency information includes an interdependency between a first activity in the first plurality of activities and a second activity in the second plurality of activities; and

graphically displaying, at the computer system, the interdependency between the first activity and the second activity in a computerized schedule available to a program manager of the first program and a program manager of the second program, wherein a modification of one of the first or second activities causes an effect of the modification to be graphically displayed in the computerized schedule.

(Applicant's independent claim 1, as amended, emphasis added).

Support for these amendments may be found in the Specification at, for example, paragraph 35 and FIG. 2. Applicant respectfully submits that the features of amended claim 1 are not taught or suggested by Robson or Pollalis, considered individually or in combination.

Robson is directed to a method for managing a project that includes a plurality of interdependent tasks. As described in Robson, a first dependency relationship is defined between first and second tasks of a project. An "issue," "change order," and/or "change request" is then created within the context of the project, and a second dependency relationship is defined between the issue, change order, or change request and the first and/or second tasks. (Robson: col. 2, lines 25-48). Thus, Robson teaches the general concept of defining interdependencies between tasks and/or other objects of single project or program.

Pollalis is directed to a particular method for visualizing a set of tasks for a project. (Pollalis: Abstract).

Applicant submits that the inventions of Robson and Pollalis are substantially different from Applicant's amended claim 1. For example, Robson and Pollalis fail to teach or suggest "receiving... cross-program dependency information between a first program... and a second program..., wherein the first program comprises a first plurality of activities and the second program comprises a second plurality of activities, and wherein the cross-program dependency information includes an interdependency between a first activity in the first plurality of activities and a second activity in the second plurality of activities" as recited in amended claim 1.

As noted above, Robson is concerned with defining dependencies between tasks or other objects within a single project or program. Accordingly, Robson cannot be properly construed as teaching cross-dependency information between first and second (i.e., different) programs, wherein each program includes its own set of activities, and where the cross-

dependency information includes an interdependency between an activity of the first program and an activity of the second program.

The Office Action asserts that col. 9, lines 25-27 of Robson “specifically addresses managing ‘multiple projects.’” (Office Action: pg. 3). Thus, the Office Action apparently construes this section of Robson as teaching the concept of managing dependencies across different projects. However, as explained in the last Office Action response, this characterization of col. 9, lines 25-27 of Robson is inaccurate. The cited section (with its surrounding context) states:

According to the present invention, the database 110, may store the tasks, Issues, Change Requests and Change Orders for a single project or for multiple projects. The user may retrieve a specific project by entering the necessary information in a project search screen, a simplified example of which is shown at 122 of FIG. 1. Thereafter, the database 110 may be searched and user selectable views of the desired project may be displayed on the user’s browser, as shown at 123.

(Robson: col. 9, lines 25-33).

As quoted above, this section of Robson indicates that a database may store information pertaining to multiple projects, and that information pertaining to a specific project (among the multiple projects stored in the database) may then be queried from the database and viewed by a user. Thus, at best, this section merely teaches the well-known concept of storing information for a plurality of items, and querying information for a particular item from among a plurality of items. Contrary to the Office Action, this section does not teach anything about the specific concept of maintaining cross-dependency information between different projects, let alone cross-dependency information that includes an interdependency between a specific activity of one project and a specific activity of another project as recited in amended claim 1.

Further, the Office Action asserts that Robson describes “complex projects,” “where ‘complex projects’ reasonably entail a multitude of smaller projects, hence a multitude of tasks.” (Office Action: pgs. 3-4; quoting Robson: col. 5, line 20). Thus, as best understood, the Office Action argues that the “tasks” of Robson corresponding to the recited “programs” of claim 1, and since Robson describes dependencies between tasks, Robson necessarily describes dependencies between programs. (*See* Office Action: pg. 4). Applicant respectfully disagrees.

As an initial matter, Applicant notes that Robson does not explicitly use the term “complex project” to refer to a project that includes a plurality of tasks, where each task is a “smaller project.” Rather, the term “complex project” is used in reference to a particular time-based hierarchical structure of tasks shown in FIG. 2 of Robson. Specifically, Robson states “it is understood that hierarchical tree structure 200 is but a partial illustration of an example of a large project. In practice, projects may be considerably more complex than suggested by FIG. 2 and the present invention is drawn to managing such complex projects...” (Robson: col. 5, lines 18-22). Thus, “complex project” as used here merely refers to a more elaborate task structure than the structure shown in FIG. 2; it does not indicate that each task shown in FIG. 2 may correspond to a separate project.

Further, even assuming *arguendo* that the tasks of Robson may be construed as individual projects, Robson still fails to teach or suggest the “receiving... cross-dependency information...” feature of amended claim 1. For example, even if the tasks of Robson were separate projects, Robson would, at best, merely teach the general notion of interdependencies between projects. In contrast, amended claim 1 specifically recites cross-dependency information between programs that includes an interdependency between a particular activity included in a first program and a particular activity included in a second program. Robson fails to teach (or even suggest) such a specific type of interdependency. Accordingly, Robson cannot be properly construed as teaching “receiving... cross-program dependency information between a first program... and a second program..., wherein the first program comprises a first plurality of activities and the second program comprises a second plurality of activities, and wherein the cross-program dependency information includes an interdependency between a first activity in the first plurality of activities and a second activity in the second plurality of activities” as recited in amended claim 1.

The deficiencies of Robson in this regard are not cured by Pollalis. For example, as best understood, Pollalis makes no reference to cross-dependency information between first and second programs (each comprising a plurality of activities), let alone cross-dependency information that includes an interdependency between a first activity of the first program and a second activity of the second program. Accordingly, Pollalis also fails to teach or suggest

“receiving... cross-program dependency information between a first program... and a second program..., wherein the first program comprises a first plurality of activities and the second program comprises a second plurality of activities, and wherein the cross-program dependency information includes an interdependency between a first activity in the first plurality of activities and a second activity in the second plurality of activities” as recited in amended claim 1.

Further, since Robson and Pollalis fail to teach anything about the recited cross dependency information of amended claim 1, Robson and Pollalis necessarily fail to teach or suggest “graphically displaying... the interdependency between the first activity and the second activity in a computerized schedule available to a program manager of the first program and a program manager of the second program, wherein a modification of one of the first or second activities causes an effect of the modification to be graphically displayed in the computerized schedule” as recited in amended claim 1.

For at least the foregoing reasons, Applicant submits that claim 1 is not rendered obvious by Robson or Pollalis, considered individually or in combination, and respectfully request that the rejection of claim 1 be withdrawn.

Independent claim 3 has been canceled without prejudice, and thus the rejection of claim 3 is moot.

Independent claims 2, 10, 11, 19, 22, and 23 have been amended to recite features that are substantially similar to independent claim 1, and are thus believed to be allowable for at least a similar rationale as discussed for claim 1, and others.

Dependent claims 4, 5, 12-14, 16, and 20 depend from independent claims 1, 11, and 19 respectively, and are thus believed to be allowable over for at least a similar rationale as discussed for claims 1, 11, and 19, and others.

### **35 U.S.C. §103(a) Rejection of Claims 7, 8, 15, and 17**

Claims 7, 8, 15, and 17 are rejected under 35 U.S.C. §103(a) as being unpatentable over Robson and Pollalis, and further in view of Applicant’s own prior art. Applicant respectfully traverses.

Dependent claims 7, 8, 15, and 17 depend from independent claims 1 and 11 respectively, which are not rendered obvious by Robson and Pollalis as discussed above. The teachings which the Office Action alleges are described as prior art in the present application do not remedy the deficiencies of Robson and Pollalis in this regard. For at least this reason, even if Robson and Pollalis were combined with Applicant's alleged prior art teaching (although there appears to be no rationale for combining), the resultant combination would not teach or suggest the various features of claims 7, 8, 15, and 17. Accordingly, Applicant respectfully requests that the rejection of claims 7, 8, 15, and 17 be withdrawn.

### **35 U.S.C. §103 Rejection of Claims 9 and 18**

Claims 9 and 18 are rejected under 35 U.S.C. §103(a) as being unpatentable over Robson and Pollalis, and further in view of Rosnow (U.S. Patent No. 7,051,036, hereinafter "Rosnow"). Applicant respectfully traverses.

Dependent claims 9 and 18 depend from independent claims 1 and 11 respectively, which are not rendered obvious by Robson and Pollalis as discussed above. As best understood, Rosnow does not provide any teaching that would remedy the deficiencies of Robson and Pollalis in this regard. For at least this reason, even if Robson, Pollalis, and Rosnow were combined (although there appears to be no rationale for combining), the resultant combination would not teach or suggest the various features of claims 9 and 18. Accordingly, Applicant respectfully requests that the rejection of claims 9 and 18 be withdrawn.

### **35 U.S.C. §103 Rejection of Claim 21**

Claim 21 is rejected under 35 U.S.C. §103(a) as being unpatentable over Robson and Pollalis, and further in view of Abrams (U.S. Patent No. 7,305,392, hereinafter "Abrams"). Applicant respectfully traverses.

Dependent claim 21 depends from independent claim 19, which is not rendered obvious by Robson and Pollalis as discussed above. As best understood, Abrams does not provide any teaching that would remedy the deficiencies of Robson and Pollalis in this regard. For at least this reason, even if Robson, Pollalis, and Abrams were combined (although there

appears to be no rationale for combining), the resultant combination would not teach or suggest the various features of claim 21. Accordingly, Applicant respectfully requests that the rejection of claim 21 be withdrawn.

### **Amendments to the Claims**

Unless otherwise specified, amendments to the claims are made for purposes of clarity, and are not intended to alter the scope of the claims or limit any equivalents thereof. The amendments are supported by the Specification as filed and do not add new matter.

### **CONCLUSION**

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,

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